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ZNR UUUUU ZZH
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FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC 7766
INFO RUEHHM/AMCONSUL HO CHI MINH 4681

UNCLAS HANOI 000536

SENSITIVE
SIPDIS

DEPARTMENT FOR EAP/MLS AND CA/OCS/ACS/EAP

E.O. 12958: N/A

TAGS: [PHUM](#) [PREL](#) [CASC](#) [VM](#) [NGUYEN](#) [QUAN](#) [QUOC](#)

SUBJECT: NGUYEN QUOC QUAN: REQUESTS FOR CONSULAR AND SPOUSAL VISITS
DENIED IN ADVANCE OF MAY 13 TRIAL

Ref: A)Hanoi 395; B) Hanoi 417; C) HCMC 049

1. (SBU) SUMMARY: On May 7, 2008 ConOff met with Le Ba Dong, Chief of the Foreign Consular Relations Section at MFA, at MFA's request. Dong confirmed to ConOff that the trial of Nguyen Quoc Quan is scheduled for May 13. He then noted that, because of the proximity of the trial and the fact that the GVN had allowed three consular visits since Quan's arrest, our current request for consular access was being denied. He then gave ConOff a dipnote formally announcing this decision (Full text in para 5). ConOff responded that Vietnam had an obligation to grant consular access under the Vienna Convention on Consular Affairs, and that it is U.S. policy to undertake monthly visits. Dong replied that access could be granted after the trial. MFA also denied our request that Nguyen Quoc Quan's spouse be allowed to visit him in prison. End Summary

2. (SBU) On May 7, 2008 ConOff was called to the MFA to meet with Le Ba Dong, Chief of Foreign Consular Relations Section. Dong confirmed to ConOff that Nguyen Quoc Quan would be tried for "terrorism" on May 13. He then noted that, because of the proximity of the trial and the fact that the GVN had allowed three consular visits since Quan's arrest, the current request for consular access was being denied. He then gave ConOff a dipnote formally announcing this decision (text in para 5 below).

3. (SBU) ConOff responded that Vietnam had an obligation to grant consular access under the Vienna Convention on Consular Affairs, and that U.S. policy requires us to request monthly visits for individuals in pre-trial detention. ConOff reminded Dong that Quan had been arrested in November, 2007. Consular Officers in Ho Chi Minh City had been granted access in December 2007, January 2008, and most recently on February 20, 2008. We requested another visit on March 5, 2008. ConOff expressed concern that it had taken the GVN over two months to reply to the request. Dong agreed to raise the issue with officials in HCMC, but was doubtful that access would be granted before the trial.

4. (SBU) PolCouns followed up with MFA on May 8, repeating our March 5 diplomatic note and other previous requests for Nguyen Quoc Quan's wife to be given permission to visit him in prison. MFA Americas Director Lai Thai Binh responded that it is "strictly forbidden" for anyone to visit Quan during the closing stages of the investigation process.

5. (SBU) Text of Diplomatic Note:

The Consular Department of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America in Hanoi and has the honor to inform the Embassy as follows:

(1) Regarding the fact that the U.S. Consulate General in Ho Chi Minh City sent note No. 220/08 dated April 23, 2008 to the Ho Chi Minh City External Relations Office requesting to pay a consular visit to Nguyen Quoc Quan, competent Vietnamese authorities state:

The competent Vietnamese authorities have granted permit to the U.S. side to visit Nguyen Quoc Quan three times since he was arrested. Currently, the case is under ending process of investigation period and he will be brought to court, therefore the competent authorities cannot arrange for a consular visit at this time.

(2) Vietnamese competent authorities stated: The Ho Chi Minh City People's Court will hold initial trial of Nguyen Quoc Quan at 08:00 May 13, 2008 at the Headquarter of the Ho Chi Minh City People's Court (address: 131 Nam Ky Khoi Nghia, District 1). Accused Nguyen Quoc Quan is sued of crime "terrorism" according to item 3, article 84, Criminal Code of the Socialist Republic of Vietnam.

The Consular Department of the Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Hanoi, May 7, 2008

MICHALAK